

Executive Summary – Enforcement Matter – Case No. 49461
Quarters, LLC
RN101517589
Docket No. 2014-1498-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Jacintoport Industrial Development WWTP, located in the Jacintoport Industrial Development, approximately 1.5 miles southwest of the confluence of the Houston Ship Channel and Carpenter's Bayou in the eastern part of Harris County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: April 24, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$34,675

Amount Deferred for Expedited Settlement: \$6,935

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$790

Total Due to General Revenue: \$26,950

Payment Plan: 35 payments of \$770 each

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

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Docket No. 2014-1498-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 21, 2014 and August 26, 2014

Date(s) of NOE(s): October 3, 2014

Violation Information

1. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, while appurtenances were installed in the onsite lift station for a second lift pump, a second lift pump was not provided [30 TEX. ADMIN. CODE § 305.125(1) and (5), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012318001, Operational Requirements No. 1].

2. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the reduced-pressure principal backflow prevention assembly ("RPBA") was leaking [30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0012318001, Operational Requirements No. 1].

3. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the sludge blanket level in the clarifier was six feet in a total water depth of nine feet; the crossbeam supporting the clarifier drive was rusted through; the chlorine contact basin contained one foot of sludge in a total water depth of eight feet; the aeration basin had approximately eight inches of freeboard; the access walkway was equipped with a handrail on only one side of the catwalk; the existing handrail did not have a midrail; and the backup blower was inoperable [30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0012318001, Operational Requirements No. 1].

4. Failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state. Specifically, a valve on the clarifier drain pipe was leaking wastewater onto the ground [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0012318001, Permit Conditions No. 2.g and Operational Requirements No. 1].

5. Failed to comply with permitted effluent limits for chlorine residual, dissolved oxygen, and *Enterococci* [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0012318001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6].

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6. Failed to retain monitoring and reporting records at the Facility or make them readily available for review by a TCEQ representative. Specifically, laboratory reports and operator logs from the months of November 2013 and March 2014 and the certificate for the Facility's RPBA were not provided for review [30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(b) and 319.7(c), and TPDES Permit No. WQ0012318001, Monitoring and Reporting Requirements No. 3.b].

7. Failed to timely submit discharge monitoring reports ("DMRs") at the intervals specified in the permit. Specifically, the DMRs for the monitoring periods ending November 30, 2013; January 31, 2014; February 28, 2014; March 31, 2014; and April 30, 2014 were not submitted by the 20th day of the following month [30 TEX. ADMIN. CODE §§ 305.125(1) and (17), and 319.7(d), and TPDES Permit No. WQ0012318001, Monitoring and Reporting Requirements No. 1].

8. Failed to accurately complete DMRs. Specifically, the Respondent failed to report data for daily average flow; daily maximum flow; minimum chlorine residual; and maximum chlorine residual on the DMR that was submitted for the monitoring period ending March 31, 2014 [30 TEX. ADMIN. CODE §§ 305.125(1) and (17), and 319.1, and TPDES Permit No. WQ0012318001 Monitoring and Reporting Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. On May 22, 2014, submitted the DMRs for the monitoring periods ending November 30, 2013; January 31, 2014; February 28, 2014; March 31, 2014; and April 30, 2014.
- b. By October 10, 2014, installed an additional lift station pump in the onsite lift station to ensure firm pumping capacity.
- c. By October 13, 2014, removed and properly disposed of the sludge in the chlorine contact basin.
- d. By October 21, 2014, replaced the reduced-pressure principal backflow prevention assembly ("RPBA").
- e. By October 22, 2014, the new RPBA was inspected, tested and certified as passing by a licensed backflow assembly tester.
- f. By November 3, 2014, installed a new backup blower.

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g. By November 13, 2014, replaced the leaking valve on the clarifier drain pipe; properly disposed of wastewater that had leaked around the clarifier drain pipe; and disinfected the area; and

h. On November 18, 2014, submitted a revised DMR that included the values for daily average flow; daily maximum flow; minimum chlorine residual; and maximum chlorine residual for the monitoring period ending March 31, 2014.

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days, update the Facility's operational guidance and conduct employee training to ensure that:

i. Monitoring and reporting records, including operator logs and laboratory reports, are maintained in a manner so that they are readily available for review by TCEQ representatives upon request;

ii. Self-reporting requirements are properly accomplished, including the timely submittal of complete and accurate DMRs; and

iii. Sludge in the chlorine contact basin is removed and properly disposed of.

b. Within 45 days, submit written certification of compliance with a.

c. Within 60 days, develop and implement a solids management plan ("SMP"). The SMP shall include a program of internal process control testing to monitor the efficiency of the Facility and to maintain the proper solids balance. The SMP shall provide procedures designed as guidance for the operator to act on as a result of process control tests, to properly adjust the solids balance, and to determine sludge wasting rates. The SMP shall be prepared by a registered Texas Professional Engineer or an "A" TCEQ Certified Wastewater Operator.

d. Within 75 days, submit written certification of compliance with c. including a copy of the SMP.

e. Within 150 days:

i. Submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0012318001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported

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discharge monitoring reports, demonstrating at least three consecutive months of compliance with the permitted effluent limits;

ii. Begin maintaining a minimum of eighteen inches of freeboard in the aeration basin;

iii. Repair or replace the crossbeam supporting the clarifier drive; and

iv. Install an additional handrail to the access walkway of the aeration basin and install a midrail for the existing handrail.

f. Within 165 days, submit written certification of compliance with e.ii through e.iv.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Jill Russell, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-4564; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Frank H. Hamilton, III, Manager, Quarters, LLC, P.O. Box 1886, Wilmington, North Carolina 28402

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	6-Oct-2014	Screening	8-Oct-2014	EPA Due	
	PCW	31-Jan-2015				

RESPONDENT/FACILITY INFORMATION

Respondent	Quarters, LLC	
Reg. Ent. Ref. No.	RN101517589	
Facility/Site Region	12-Houston	Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No.	49461	No. of Violations	8
Docket No.	2014-1498-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jill Russell
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$30,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	20.0% Enhancement	Subtotals 2, 3, & 7	\$6,050
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Notes Enhancement for one order with denial.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,625
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$888
Estimated Cost of Compliance	\$39,450

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$34,675
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$34,675
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$34,675
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DEFERRAL	20.0% Reduction	Adjustment	-\$6,935
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$27,740
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Screening Date 8-Oct-2014
Respondent Quarters, LLC
Case ID No. 49461
Reg. Ent. Reference No. RN101517589
Media [Statute] Water Quality
Enf. Coordinator Jill Russell

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PCW

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 PCW Revision March 26, 2014

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 20%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one order with denial.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 20%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 20%

Screening Date 8-Oct-2014

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PCW

Respondent Quarters, LLC

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PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101517589

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012318001, Operational Requirements No. 1

Violation Description Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, as documented during an investigation conducted on August 21, 2014. Specifically, while appurtenances were installed in the onsite lift station for a second lift pump, a second lift pump was not provided.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	X		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2

48 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$7,500

Two monthly events are recommended calculated from the first date of the investigation, August 21, 2014, to the October 8, 2014 screening date.

Good Faith Efforts to Comply

10.0%

Reduction \$750

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes The Respondent achieved compliance on October 10, 2014.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$96

Violation Final Penalty Total \$8,250

This violation Final Assessed Penalty (adjusted for limits) \$8,250

Economic Benefit Worksheet

Respondent Quarters, LLC
Case ID No. 49461
Reg. Ent. Reference No. RN101517589
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$10,000	21-Aug-2014	10-Oct-2014	0.14	\$5	\$91	\$96
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to provide an operational second lift pump in the onsite lift station. Date Required is the first date of the investigation. The Final Date is the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$96

Screening Date 8-Oct-2014
Respondent Quarters, LLC
Case ID No. 49461
Reg. Ent. Reference No. RN101517589
Media [Statute] Water Quality
Enf. Coordinator Jill Russell

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PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0012318001, Operational Requirements No. 1

Violation Description

Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, as documented during an investigation conducted on August 21, 2014. Specifically, the reduced-pressure principal backflow prevention assembly ("RPBA") was leaking.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	X		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2

48 Number of violation days

mark only one with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Two monthly events are recommended calculated from the first date of the investigation, August 21, 2014, to the October 8, 2014 screening date.

Good Faith Efforts to Comply

10.0%

Reduction \$750

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes

The Respondent achieved compliance on October 22, 2014.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$8,250

This violation Final Assessed Penalty (adjusted for limits) \$8,250

Economic Benefit Worksheet

Respondent Quarters, LLC
Case ID No. 49461
Reg. Ent. Reference No. RN101517589
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$500	21-Aug-2014	22-Oct-2014	0.17	\$0	\$6	\$6
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to replace the leaking RPBA and have the repaired or new RPBA inspected, tested, and certified by a licensed back flow prevention assembly tester. Date Required is the first date of the investigation. The Final Date is the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$6

Screening Date 8-Oct-2014
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Enf. Coordinator Jill Russell

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PCW

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Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and (5), and TPDES Permit No. WQ0012318001, Operational Requirements No. 1

Violation Description

Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, as documented during an investigation conducted on August 21, 2014. Specifically, the sludge blanket level in the clarifier was six feet in a total water depth of nine feet; the crossbeam supporting the clarifier drive was rusted through; the chlorine contact basin contained one foot of sludge in a total water depth of eight feet; the aeration basin had approximately eight inches of freeboard; the access walkway was equipped with a handrail on only one side of the catwalk; the existing handrail did not have a midrail; and the backup blower was inoperable.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	X		

Percent 15.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2

48 Number of violation days

mark only one with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Two monthly events are recommended calculated from the first date of the investigation, August 21, 2014, to the October 8, 2014 screening date.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$249

Violation Final Penalty Total \$9,000

This violation Final Assessed Penalty (adjusted for limits) \$9,000

Economic Benefit Worksheet

Respondent Quarters, LLC
Case ID No. 49461
Reg. Ent. Reference No. RN101517589
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$10,450	21-Aug-2014	3-Nov-2014	0.20	\$7	\$141	\$148
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$6,500	21-Aug-2014	13-Oct-2014	0.15	\$47	n/a	\$47
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	21-Aug-2014	16-Sep-2015	1.07	\$54	n/a	\$54

Notes for DELAYED costs

Estimated cost to replace the backup blower. Date Required is the first date of the investigation. The Final Date is the compliance date.

Estimated cost to remove and properly dispose of sludge in the chlorine contact basin. Date Required is the first date of the investigation. The final date is the compliance date.

Estimated cost to repair or replace the rusted clarifier crossbeam; install an additional handrail to the access walkway and install a midrail for the existing handrail; begin maintaining at least 18 inches of freeboard in the aeration basin; and develop and implement a solids management plan ("SMP") and to maintain an appropriate quantity and quality of solids inventory according to accepted industry standards for process control. Dates Required are the first date of the investigation. The Final Date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$17,950

TOTAL

\$249

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Media [Statute] Water Quality
Enf. Coordinator Jill Russell

Docket No. 2014-1498-MWD-E

PCW

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PCW Revision March 26, 2014

Violation Number 4

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and (5), and
TPDES Permit No. WQ0012318001, Permit Conditions No. 2.g and Operational
Requirements No. 1

Violation Description

Failed to prevent the unauthorized discharge of wastewater into or adjacent to any
water in the state, as documented during an investigation conducted on August 21,
2014. Specifically, a valve on the clarifier drain pipe was leaking wastewater onto
the ground.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix
Notes

Human health or the environment has been exposed to insignificant amounts of pollutants as a
result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

48 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the first date of the investigation, August 21, 2014, to
the October 8, 2014 screening date.

Good Faith Efforts to Comply

10.0%

Reduction \$125

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes

The Respondent achieved compliance by November 13,
2014.

Violation Subtotal \$1,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$1,375

This violation Final Assessed Penalty (adjusted for limits) \$1,375

Economic Benefit Worksheet

Respondent Quarters, LLC
Case ID No. 49461
Reg. Ent. Reference No. RN101517589
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$100	21-Aug-2014	13-Nov-2014	0.23	\$0	\$2	\$2
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$500	21-Aug-2014	13-Nov-2014	0.23	\$6	n/a	\$6
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to replace the leaking valve on the clarifier drain pipe. Date Required is the first date of the investigation. Final Date is the compliance date. Estimated cost to properly dispose of wastewater that had leaked around the clarifier drain pipe and disinfect the area. Date Required is the first date of the investigation. Final Date is the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

TOTAL

\$7

Screening Date 8-Oct-2014

Docket No. 2014-1498-MWD-E

PCW

Respondent Quarters, LLC

Policy Revision 4 (April 2014)

Case ID No. 49461

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101517589

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 5

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0012318001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6

Violation Description

Failed to comply with permitted effluent limits, as documented during an investigation conducted on August 21, 2014, and shown in the attached table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events

1

1

Number of violation days

mark only one
with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One monthly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$515

Violation Final Penalty Total \$4,500

This violation Final Assessed Penalty (adjusted for limits) \$4,500

Economic Benefit Worksheet

Respondent: Quarters, LLC
 Case ID No.: 49461
 Reg. Ent. Reference No.: RN101517589
 Media: Water Quality
 Violation No.: 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	21-Aug-2014	1-Sep-2015	1.03	\$515	n/a	\$515

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and take corrective actions to maintain compliance with permitted effluent limits. Date Required is the initial date of noncompliance. The Final Date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$515

Screening Date 8-Oct-2014

Docket No. 2014-1498-MWD-E

PCW

Respondent Quarters, LLC

Policy Revision 4 (April 2014)

Case ID No. 49461

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101517589

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and (11)(B) and 319.7(c), and TPDES Permit No. WQ0012318001, Monitoring and Reporting Requirements No. 3.b

Violation Description

Failed to retain monitoring and reporting records at the Facility or make them readily available for review by a TCEQ representative, as documented during an investigation conducted on August 21, 2014 and August 26, 2014. Specifically, laboratory reports and operator logs from the months of November 2013 and March 2014 and the certificate for the Facility's RPBA were not provided for review.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 5.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

48 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$1,500

This violation Final Assessed Penalty (adjusted for limits) \$1,500

Economic Benefit Worksheet

Respondent Quarters, LLC
Case ID No. 49461
Reg. Ent. Reference No. RN101517589
Media Water Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	21-Aug-2014	18-Jul-2015	0.91	\$11	n/a	\$11
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update the Facility's operational guidance and conduct employee training to ensure that monitoring and reporting records, including operator logs and laboratory reports are readily available for review by TCEQ representatives upon request and self-reporting requirements are properly accomplished, including the timely submittal of complete and accurate discharge monitoring reports. Date Required is the first date of the investigation. Final Date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$11

Screening Date 8-Oct-2014
Respondent Quarters, LLC
Case ID No. 49461
Reg. Ent. Reference No. RN101517589
Media [Statute] Water Quality
Enf. Coordinator Jill Russell

Docket No. 2014-1498-MWD-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and (17), and 319.7(d), and TPDES Permit No. WQ0012318001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit discharge monitoring reports ("DMRs") at the intervals specified in the permit, as documented during an investigation conducted on August 21, 2014 and August 26, 2014. Specifically, the DMRs for the monitoring periods ending November 30, 2013; January 31, 2014; February 28, 2014; March 31, 2014; and April 30, 2014 were not submitted by the 20th day of the following month.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

More than 70% of the rule requirements were met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 5

151 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,250

Five single events are recommended (one for each late report).

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$1,500

This violation Final Assessed Penalty (adjusted for limits) \$1,500

Economic Benefit Worksheet

Respondent Quarters, LLC
Case ID No. 49461
Reg. Ent. Reference No. RN101517589
Media Water Quality
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$125	20-Dec-2013	22-May-2014	0.42	\$3	n/a	\$3

Notes for DELAYED costs

Estimated costs to submit the delinquent DMRs (\$25 per DMR). Date Required is the date that the first delinquent DMR was due. The Final Date is the date the delinquent DMRs were submitted. Estimated cost to update the Facility's operational guidance and conduct employee training to ensure that all reporting procedures are properly accomplished is captured in the Economic Benefit of Violation No. 6.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$125

TOTAL

\$3

Screening Date 8-Oct-2014

Docket No. 2014-1498-MWD-E

PCW

Respondent Quarters, LLC

Policy Revision 4 (April 2014)

Case ID No. 49461

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101517589

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 8

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and (17), and 319.1, and TPDES Permit No. WQ0012318001 Monitoring and Reporting Requirements No. 1

Violation Description

Failed to accurately complete DMRs, as documented during an investigation conducted on August 21, 2014 and August 26, 2014. Specifically, the Respondent failed to report data for daily average flow; daily maximum flow; minimum chlorine residual; and maximum chlorine residual on the DMR that was submitted for the monitoring period ending March 31, 2014.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

More than 70% of the rule requirements were met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1

171 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	
N/A	X (mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$300

This violation Final Assessed Penalty (adjusted for limits) \$300

Economic Benefit Worksheet

Respondent Quarters, LLC
Case ID No. 49461
Reg. Ent. Reference No. RN101517589
Media Water Quality
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	20-Apr-2014	18-Nov-2014	0.58	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to submit a revised DMR for the monitoring period ending March 31, 2014 to the TCEQ (\$25 per DMR) to include the values for daily average flow; daily maximum flow; minimum chlorine residual; and maximum chlorine residual. Date Required is the date that the DMR was due. The Final Date is the compliance date. Estimated cost to update the Facility's operational guidance and conduct employee training to ensure that all reporting procedures are properly accomplished is captured in the Economic Benefit of Violation No. 6.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$1

Effluent Violations Table			
Quarters, LLC			
RN101517589; Docket 2014-1498-MWD-E			
TPDES Permit No. WQ0012318001			
	Enterococci Maximum Concentration Single Grab	Chlorine Residual Minimum Concentration Single Grab	Dissolved Oxygen Minimum Concentration Single Grab
Month/ Year	Limit = 104 colonies per 100 ml	Limit = 1.0 mg/L	Limit = 4.0 mg/L
August 21, 2014	400	0.00	3.38

ml = milliliters

mg/L = milligrams per liter

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600793145, RN101517589, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN600793145, Quarters, LLC

Classification: SATISFACTORY

Rating: 6.14

Regulated Entity: RN101517589, JACINTOPORT INDUSTRIAL DEVELOPMENT WWTP

Classification: SATISFACTORY

Rating: 6.14

Complexity Points: 5

Repeat Violator: NO

CH Group: 08 - Sewage Treatment Facilities

Location: In the Jacintoport Industrial Development, approximately 1.5 miles southwest of the confluence of the Houston Ship Channel and Carpenter's Bayou in the eastern part of Harris County, Texas

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

WASTEWATER PERMIT WQ0012318001

WASTEWATER EPA ID TX0117897

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: January 26, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 26, 2010 to January 26, 2015

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Jill Russell

Phone: (512) 239-4564

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 10/02/2011 ADMINORDER 2011-0565-MWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov:Eff. Limit. & Monit. Req. No. 1 PERMIT
Description: Failure to comply with permitted effluent limitations as documented during a record review on March 1, 2011.
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
30 TAC Chapter 319, SubChapter A 319.7(d)
Rqmt Prov:Effluent Reporting Requirements PERMIT
Monit. & Reporting Req. No. 1 PERMIT
Description: Failure to timely submit the DMR for the monitoring period ending June 30, 2010, by the 20th day of the following month.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	February 19, 2010	(930339)	Item 29	September 28, 2012	(1039838)
Item 2	March 19, 2010	(930340)	Item 30	October 19, 2012	(1069590)
Item 3	April 22, 2010	(930341)	Item 31	November 20, 2012	(1069591)
Item 4	May 19, 2010	(835950)	Item 32	December 20, 2012	(1069592)
Item 5	June 20, 2010	(847830)	Item 33	January 18, 2013	(1082861)
Item 6	July 20, 2010	(862236)	Item 34	February 20, 2013	(1082860)
Item 7	August 20, 2010	(868839)	Item 35	March 20, 2013	(1091176)
Item 8	September 17, 2010	(875708)	Item 36	April 19, 2013	(1097513)
Item 9	January 19, 2011	(903942)	Item 37	May 20, 2013	(1108539)
Item 10	February 21, 2011	(910831)	Item 38	June 20, 2013	(1112111)
Item 11	March 18, 2011	(918094)	Item 39	July 17, 2013	(1119051)
Item 12	March 31, 2011	(930342)	Item 40	August 30, 2013	(1126820)
Item 13	May 19, 2011	(939800)	Item 41	September 20, 2013	(1131350)
Item 14	June 20, 2011	(947214)	Item 42	October 18, 2013	(1137101)
Item 15	July 19, 2011	(954471)	Item 43	November 18, 2013	(1142517)
Item 16	August 29, 2011	(961053)	Item 44	January 17, 2014	(1155033)
Item 17	September 20, 2011	(967143)	Item 45	February 28, 2014	(1162343)
Item 18	October 19, 2011	(973109)	Item 46	March 24, 2014	(1168968)
Item 19	November 19, 2011	(979232)	Item 47	April 22, 2014	(1176148)
Item 20	December 15, 2011	(986078)	Item 48	May 22, 2014	(1182385)
Item 21	January 20, 2012	(992436)	Item 49	June 20, 2014	(1189271)
Item 22	February 17, 2012	(999745)	Item 50	June 27, 2014	(1182386)
Item 23	March 19, 2012	(1005291)	Item 51	July 18, 2014	(1194700)
Item 24	April 18, 2012	(1011862)	Item 52	August 26, 2014	(1201213)
Item 25	May 18, 2012	(1018231)	Item 53	September 25, 2014	(1213981)
Item 26	June 19, 2012	(1025959)	Item 54	November 21, 2014	(1220227)
Item 27	July 20, 2012	(1033320)			
Item 28	September 20, 2012	(1048785)			

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
QUARTERS, LLC
RN101517589**

**§
§
§
§
§**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2014-1498-MWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Quarters, LLC ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns a wastewater treatment plant located in the Jacintoport Industrial Development, approximately 1.5 miles southwest of the confluence of the Houston Ship Channel and Carpenter's Bayou in the eastern part of Harris County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 10, 2014.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Thirty-Four Thousand Six Hundred Seventy-Five Dollars (\$34,675) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Hundred Ninety Dollars (\$790) of the administrative penalty and Six Thousand Nine Hundred Thirty-Five Dollars (\$6,935) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Twenty-Six Thousand Nine Hundred Fifty Dollars (\$26,950) of the administrative penalty shall be payable in 35 monthly payments of Seven Hundred Seventy Dollars (\$770) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that:
 - a. On May 22, 2014, the Respondent submitted the discharge monitoring reports ("DMRs") for the monitoring periods ending November 30, 2013; January 31, 2014; February 28, 2014; March 31, 2014; and April 30, 2014.
 - b. By October 10, 2014, the Respondent installed an additional lift station pump in the onsite lift station to ensure firm pumping capacity.
 - c. By October 13, 2014, the Respondent removed and properly disposed of the sludge in the chlorine contact basin.
 - d. By October 21, 2014, the Respondent replaced the reduced-pressure principal backflow prevention assembly ("RPBA").
 - e. By October 22, 2014, the new RPBA was inspected, tested and certified as passing by a licensed backflow assembly tester.

- f. By November 3, 2014, the Respondent installed a new backup blower.
 - g. By November 13, 2014, the Respondent replaced the leaking valve on the clarifier drain pipe; properly disposed of wastewater that had leaked around the clarifier drain pipe; and disinfected the area.
 - h. On November 18, 2014, the Respondent submitted a revised DMR that included the values for daily average flow; daily maximum flow; minimum chlorine residual; and maximum chlorine residual for the monitoring period ending March 31, 2014.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
 - 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
 - 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner of the Facility, the Respondent is alleged to have:

- 1. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012318001, Operational Requirements No. 1, as documented during an investigation conducted on August 21, 2014. Specifically, while appurtenances were installed in the onsite lift station for a second lift pump, a second lift pump was not provided.
- 2. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0012318001, Operational Requirements No. 1, as documented during an investigation conducted on August 21, 2014. Specifically, the reduced-pressure principal backflow prevention assembly ("RPBA") was leaking.
- 3. Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0012318001, Operational Requirements No. 1, as documented during an investigation conducted on August 21, 2014. Specifically, the sludge blanket level in the clarifier was six feet in a total water depth of nine feet; the crossbeam supporting the clarifier drive was rusted through; the chlorine contact basin contained one foot of sludge in a total water depth of eight feet; the

aeration basin had approximately eight inches of freeboard; the access walkway was equipped with a handrail on only one side of the catwalk; the existing handrail did not have a midrail; and the backup blower was inoperable.

4. Failed to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and (5), and TPDES Permit No. WQ0012318001, Permit Conditions No. 2.g and Operational Requirements No. 1, as documented during an investigation conducted on August 21, 2014. Specifically, a valve on the clarifier drain pipe was leaking wastewater onto the ground.
5. Failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0012318001, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6, as documented during an investigation conducted on August 21, 2014, and shown in the table below:

Effluent Violations Table			
	Enterococci Maximum Concentration Single Grab	Chlorine Residual Minimum Concentration Single Grab	Dissolved Oxygen Minimum Concentration Single Grab
Month/ Year	Limit = 104 colonies per 100 ml	Limit = 1.0 mg/L	Limit = 4.0 mg/L
August, 21 2014	400	0.00	3.38

ml = milliliters

mg/L = milligrams per liter

6. Failed to retain monitoring and reporting records at the Facility or make them readily available for review by a TCEQ representative, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (11)(b) and 319.7(c), and TPDES Permit No. WQ0012318001, Monitoring and Reporting Requirements No. 3.b, as documented during an investigation conducted on August 21, 2014 and August 26, 2014. Specifically, laboratory reports and operator logs from the months of November 2013 and March 2014 and the certificate for the Facility's RPBA were not provided for review.
7. Failed to timely submit DMRs at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17), and 319.7(d), and TPDES Permit No. WQ0012318001, Monitoring and Reporting Requirements No. 1, as documented during an investigation conducted on August 21, 2014 and August 26, 2014. Specifically, the DMRs for the monitoring periods ending November 30, 2013; January 31, 2014; February 28, 2014; March 31, 2014; and April 30, 2014 were not submitted by the 20th day of the following month.

8. Failed to accurately complete DMRs, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (17), and 319.1, and TPDES Permit No. WQ0012318001 Monitoring and Reporting Requirements No. 1, as documented during an investigation conducted on August 21, 2014 and August 26, 2014. Specifically, the Respondent failed to report data for daily average flow; daily maximum flow; minimum chlorine residual; and maximum chlorine residual on the DMR that was submitted for the monitoring period ending March 31, 2014.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Quarters, LLC, Docket No. 2014-1498-MWD-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that:
 - i. Monitoring and reporting records, including operator logs and laboratory reports, are maintained in a manner so that they are readily available for review by TCEQ representatives upon request;
 - ii. Self-reporting requirements are properly accomplished, including the timely submittal of complete and accurate DMRs; and
 - iii. Sludge in the chlorine contact basin is removed and properly disposed of.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions Nos. 2.a.i through 2.a.iii, in accordance with Ordering Provision No. 2.g below.

- c. Within 60 days after the effective date of this Agreed Order, develop and implement a solids management plan ("SMP"). The SMP shall include a program of internal process control testing to monitor the efficiency of the Facility and to maintain the proper solids balance. The SMP shall provide procedures designed as guidance for the operator to act on as a result of process control tests, to properly adjust the solids balance, and to determine sludge wasting rates. The SMP shall be prepared by a registered Texas Professional Engineer or an "A" TCEQ Certified Wastewater Operator.
- d. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.c, including a copy of the SMP, in accordance with Ordering Provision No. 2.g below.
- e. Within 150 days after the effective date of this Agreed Order:
 - i. Submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0012318001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with the permitted effluent limits, in accordance with Ordering Provision No. 2.g below;
 - ii. Begin maintaining a minimum of eighteen inches of freeboard in the aeration basin;
 - iii. Repair or replace the crossbeam supporting the clarifier drive; and
 - iv. Install an additional handrail to the access walkway of the aeration basin and install a midrail for the existing handrail.
- f. Within 165 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions Nos. 2.e.ii through 2.e.iv, in accordance with Ordering Provision No. 2.g below.
- g. The written certifications of compliance required by Ordering Provisions Nos. 2.b, 2.d, 2.e.i, and 2.f shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance shall be notarized by a State of Texas Notary Public, and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certifications shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copies to:

Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature

could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Ronnie DeWine
For the Executive Director

1/8/16
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Frank H. Hamilton
Signature

01/20/15
Date

FRANK H. HAMILTON
Name (Printed or typed)
Authorized Representative of
Quarters, LLC

MANAGER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.